

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.19589 of 2016
and W.M.P(MD)Nos.14136 to 14138 of 2016

Savorit Limited,
HTSC No.41,
No.131, Trichy Road,
Dindigul-624 310,
Dindigul District,
General Manager G.Murugesan

... Petitioner

Vs.

- 1.The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai,
Chennai-600 002.
- 2.Chief Financial Controller/Revenue,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Dindigul-624 005.

4.Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the second respondent contained in impugned letter CFC/FC/DFC/AAO.HT/AS.3/REV/D.N.115/13 dated 29.07.2013 and quash the same as arbitrary, illegal and violative of the provisions of the Electricity Act, 2003 and the orders of the TNERC.

For Petitioner	:Mr.R.S.Pandiyaraj
For Respondents	:Mr.M.Sarangan Additional Government Pleader for R1 Mr.S.Deenadhayalan Standing Counsel for R2 to R4

ORDER

The petitioner has assailed a letter dated 29.07.2013 in relation to deemed demand charges.

2. Both learned counsel for the petitioner and learned Standing Counsel for TANGEDCO have placed before me previous orders of this Court in relation to the same issue. By order dated 22.09.2022, W.P(MD).No.19402 of 2013 was disposed of on the following terms:

4. In view of the above said facts, the following order is passed:

(i) The petitioners are directed to pay 50% of the deemed demand charges, if not paid so far and continue to pay the same till the disposal of the Writ Appeal.

(ii) The petitioners are also liable to pay the balance deemed demand charges, if the writ appeal filed by the TANGEDCO is allowed.

(iii) Needless to say that the petitioners are also entitled to get similar refund, if any, if the first respondents in the Writ Appeals succeed, subject to the orders/ observations of the Division Bench.

(iv) It is open to the petitioners to take recourse to any suitable action in the manner known to law, in the interregnum.

3. The parties agreed that the present writ petition may also be disposed of in those terms since the matter is pending on appeal before the Hon'ble Division Bench of this Court.

4. By taking note of the above submissions, W.P(MD)No.19589 of 2016 is disposed of in terms of the directions set out above. There shall be no order as to costs. Consequently, connected W.M.P(MD)Nos.14136 to 14138 of 2016 are closed.

28.03.2023

NCC :No
Internet :Yes
Index :No
ssb

To

- 1.The Tamil Nadu Generation and Distribution Corporation Limited
(TANGEDCO),
144, Anna Salai,
Chennai-600 002.
- 2.Chief Financial Controller/Revenue,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Dindigul-624 005.
- 4.Tamil Nadu Electricity Regulatory Commission,
Through its Secretary,
No.19A, Rukmini Lakshmipathy Salai,
Egmore, Chennai-600 008.

W.P.(MD)No.19589 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

ssb

W.P.(MD)No.19589 of 2016

28.03.2023